

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALI HUSSEIN DARWICH,

Movant,

v.

Case No. 10-CV-10775

UNITED STATES OF AMERICA,

Defendant.

**ORDER DENYING WITHOUT PREJUDICE DARWICH'S
SEPTEMBER 17, 2010, "MOTION FOR RETURN OF SEIZED ITEMS, DOCUMENTS,
AND PASSPORTS, AND CASH"**

Before the court is Movant Ali Hussein Darwich's "Motion for Return of Seized Items, Documents, and Passports, and Cash," filed on September 17, 2010. In his motion, Darwich seeks a return of property seized by the Government pursuant to a search warrant. The court denied a similar motion on March 30, 2010. Specifically, the court noted that criminal investigations and proceedings against Mr. Darwich and his significant other, Fatima Toufaili, were yet on-going and the Government had therefore demonstrated a continuing interest in the seized property. (3/30/10 Order at 3-4.) The court pointed out that "[a] defendant's motion for return of property will be unavailing where the government has a continuing interest in the property." *United States v. Francis*, 646 F.2d 251, 263 (6th Cir. 1981) (citing *United States v. Premises Known as 608 Taylor Avenue*, 584 F.2d 1297, 1303 (3d Cir. 1978)).

Since that time, the Government's interest in the property has not ceased; instead, an indictment was recently returned against both Toufaili and Darwich. "The

general rule is that seized property, other than contraband, should be returned to its rightful owner *once the criminal proceedings have terminated.*" *United States v. LaFatch*, 565 F.2d 81, 83 (6th Cir. 1977) (emphasis added) (citing *McSurley v. Ratliff*, 398 F.2d 817 (6th Cir. 1968)). Criminal proceedings have not terminated, but have only recently begun against Darwich. Accordingly, Darwich's motion will again be denied.

IT IS ORDERED that Darwich's September 17, 2010, "Motion for Return of Seized Items, Documents, and Passports, and Cash" [Dkt. # 24] is DENIED WITHOUT PREJUDICE.¹

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 4, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 4, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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¹The court also notes that a letter from Darwich to the court was docketed on August 4, 2010. The court does not respond to letters from litigants, even pro se litigants, particularly where, as here, Darwich has demonstrated he knows how to file motions seeking relief. The court admonishes Darwich that he must comply with the local rules when filing any documents and any letters in the future will be stricken from the docket.